

September 14, 2020

To: STR Committee

RE: Public Written Comments for the STR Committee STR Ordinance Review

From: Kathleen Lake

I respectfully submit the following definitions for your review of the STR Ordinance. These definitions were taken from the Butte County STR ordinance therefore please ignore the numbering and lettering inconsistencies. The current Trinidad STR Ordinance lacks clear many definitions and processes. Inclusion of these definitions and this format/organization would be a great improvement and would to clearly address some of the STR issues in town.

B. Definitions.

1. **Short-Term Rental.** A single-family dwelling, or a portion of a single-family dwelling, that is rented to transient guest occupants typically for periods of 30 days or less, with weekend or weekly rental periods being the most common. Short-term rentals are routinely booked for numerous periods throughout the year, with a property manager providing oversight and services for guest customers.
2. **Primary Residence.** An owner's permanent residence or usual place of return for housing as documented by at least two forms of identification.
3. **Host.** A person who rents their primary residence for short-term rentals under this section.
4. **Hosted Stay.** A primary residence where a resident remains on-site during the short-term rental guest's stay (except during daytime and/or work hours).
5. **Un-Hosted Stay.** A primary residence where the resident remains off-site during the short term rental guest's stay.

C.1 Applicability.

This section does not apply to the use of single-family dwellings when not occupied as a short term rental. The City of Trinidad shall rely upon occupancy records and other sources of information for the short-term rental in determining all potential code enforcement violations.

* Short-term rentals located in the following communities and associated zones are not subject to the primary residency requirement ??

D. Administrative Permit Process. Short-term rentals are subject to an administrative permit, pursuant to Trinidad CityCode ????? and shall be allowed as provided by the applicable zone, subject to the requirements of this section. The administrative permit application shall include all information necessary to determine compliance with this section. The application process shall

be subject to a fee in accordance with the latest fee schedule approved by the Trinidad City Council. The administrative STR permit shall be issued annually, as a new permit. The permit process shall be subject to a fee in accordance with the latest fee schedule approved by the Trinidad City Council. The City of Trinidad shall issue a renewed administrative permit upon making the following findings: 1. No more than two strikes have been issued for violations of this section during the last 24- month period; 2. The short-term rental has not been transferred to another person, entity, or landowner; 3. The short-term rental complies with the approved administrative permit and all applicable City of Trinidad Codes and Standards; and, 4. The short-term rental property is current on transient occupancy taxes and has paid all said taxes to the Humboldt County Treasurer-Tax Collector by the required due date. No property rights conferred. Short-term rental administrative permits do not provide a vested interest, or entitlement in the continued operation of a short-term rental upon a change of property ownership. Short-term rental permits are revocable permits and shall not run with the land. Property owners must notify the City of Trinidad upon change of ownership. Continued operation of a short-term rental upon change of ownership will result in a violation of this section

G. Short-Term Rental Restrictions. 1. Short-term rentals are not allowed in structures not intended for residential occupancy under the current California Building Code Standards. 2. No more than one short-term rental may be permitted on the same parcel (e.g. a primary residence or an approved second unit)

H. Transient Occupancy Taxes. City of Trinidad ??? authorizes the levy of a Transient Occupancy Tax for overnight stays at all lodging facilities. Short-term rental proprietors must complete a Transient Occupancy Tax Questionnaire and submit it to the Trinidad City Clerk within ten days of commencing business.

I. Standards. Short-term rentals are subject to the following operation and development standards at all times. On-site inspections by the City of Trinidad. By accepting an administrative permit, the owner agrees to allow on-site inspections by the City at reasonable times.

1. **Second and Accessory Dwelling Units.**
2. **Appearance, Visibility, and Signage.** No alteration shall be made that would identify a dwelling as a short-term rental, and that would not preserve and protect the residential character of the dwelling or existing neighborhood. No signage pertaining to a short-term rental is allowed excepting as required below under Sub-Section I (10) (b) - Posting of Permit Standards.
3. **Commercial Activity Prohibited.** Commercial activities and special events, including but not limited to, weddings, receptions, and parties are prohibited. All occupants of the short-term rental shall be notified of the prohibition against commercial activities prior to

the reservation, rental, or lease, and said prohibition shall be a part of any rental or lease agreement.

4. **Building, Fire, and Health Standards.** Short-term rentals are subject to the following standards: a. Meet the current California Building Code Standards for the intended occupancy to the satisfaction of the City of Trinidad. c. On-site septic system or sewer connection necessary to accommodate the short-term rental to the satisfaction of the OWTS . d. Fire extinguishers, smoke detectors, and carbon monoxide detectors shall be maintained in working order, and information related to all emergency exits shall be provided inside of the short-term rental.
5. **Trash and Recycling.** Trash and recycling receptacles shall be stored out of public view and serviced on a weekly basis. After pick-up, receptacles shall be returned to storage areas within 8 hours.
6. **Noise Standards.** It is the goal of this section to preserve the quality of life and character of existing residential neighborhoods in Trinidad. In accordance with the Noise Control Ordinance, Humboldt County Code Chapter ???, excessive, unnecessary or offensive noise within the County is detrimental to the public health, safety, welfare, and peace and quiet of the inhabitants of the County and therefore is considered a nuisance. Accordingly, noise levels at all short-term rentals shall comply with Humboldt County Code Section ??? Exterior Noise Standards and Section ??? Interior Noise Standards. In addition to compliance with the Noise Control Ordinance, all short-term rentals shall comply with the following requirements: a. Property managers shall insure that the occupants of the short-term rental understand that loud or unreasonable noise that disturbs others and that is not in keeping with the character of the surrounding neighborhood will result in a violation of this section. b. Property managers shall immediately respond to all complaints concerning noise levels at all times. Failure to respond to all verifiable complaints will result in the issuance of a strike. c. Quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays. d. Outdoor amplified sound is prohibited during quiet hours. Outdoor amplified sound is allowed during non-quiet hours but shall be kept at a volume that complies with the Noise Control Ordinance. e. All occupants of the short-term rental shall be notified of the noise standards as set forth under this section and said standards shall be a part of any rental or lease agreement.
7. **Occupancy and Parking.** Occupancy and parking requirements shall be specified on the administrative permit application. Additional standards for occupancy and parking are provided as follows: a. Size. Depending on the configuration of the building and the adequacy of the on-site septic systems, short-term rentals are limited to a maximum of five rented bedrooms. Each bedroom shall provide not less than 70 square feet of floor area for the first two occupants. The total floor area requirements per bedroom shall increase at a rate of 50 square feet for each occupant in excess of two.

8. **Maximum Annual Nights for Un-Hosted Stays.** Un-hosted short-term rental stays shall not exceed 90 nights per calendar year, except a 180 nights per calendar year shall be allowed when,
 - 1) the parcel is located in a zone with a 2-acre or greater minimum parcel size; and,
 - 2) the applicable parcel is 2 acres or greater in size.
9. **On-Site Residents.** The number of on-site residents shall be subtracted from the allowed maximum occupancies.
10. **Septic Systems.** The number of overnight guests for rentals served by on-site septic systems shall be based on two guests per approved bedroom, whether or not the guests sleep in a bedroom, or if more than two guests sleep in a bedroom. An approved bedroom is one recognized as such by the Humboldt County Public Health Department at the time the on-site septic system was legally constructed.
11. **Maximum Occupancy.**
 1. **On-Site Septic System.** Short-term rentals served by an on-site septic system shall not exceed 10 overnight guests, excluding children under 3-years of age, provided the rental meets the bedroom number standards. Parking. On-site tandem parking may be permitted if parallel parking cannot be accommodated on-site. Dimensions for parking stalls shall be in accordance with Section 22.05, Parking Design Standards. Parking spaces shall be clearly delineated on the site plan accompanying the application. g. Notification. The property owner shall ensure that all contracts, online listings, and advertisements clearly set forth the maximum number of overnight guests permitted at the property, and the maximum number on-site parking spaces. All occupants of the short-term rental shall be notified of these occupancy and parking standards and said standards shall be a part of any rental or lease agreement.
12. **Daytime Visitors.** For each allowed overnight occupant permitted under this section, one daytime visitor is allowed, up to a maximum of ten daytime visitors. Additional on-site parking for all daytime visitors' vehicles, in addition to overnight occupants, must be provided at a rate of one on-site parking space per two daytime visitors.
13. **No Overnight Camping.** A short-term rental administrative permit does not authorize any overnight camping, sleeping in tents, travel trailers, campers, or recreational vehicles. Recreational vehicles are permitted if they are the primary transportation for the renter or visitor, but they may not be used for overnight accommodations during the stay.
14. **Property Management.** The short-term rental shall be managed and supervised in accordance with the following requirements and responsibilities:

15. **Property Manager.** Short-term rentals must have a local property manager who is available 24-hours per day, seven days per week during all times that the property is rented. For hosted stays, the resident host shall be the property manager. For un-hosted stays, the property manager may be the owner or a designee of the owner. The property manager must ensure compliance with all requirements set forth in this section, including the timely response (within 30 minutes) to all complaints and their resolution. The name and contact information (address, text-enabled phone number, and email) of the property manager shall be provided on the permit application, posted inside the short term rental and be available to any interested party upon request. Property managers shall provide the City of Trinidad with current contact information for identification on the City Short-Term Rentals registry website.
16. **Posting of Permit Standards.** A copy of the short-term rental permit listing all applicable standards and limits, including the name, text-enabled phone number, and email of the property manager, shall be posted inside the rental property in a prominent interior location within six feet of the front door. The applicable prohibitions, standards, and limits on occupancy shall be included.
17. **Disaster Preparedness.** Property managers shall make community evacuation information and maps for the community where the short-term rental is located as provided by the Humboldt County Office of Emergency Management available to all guest/customers. Applicable community evacuation information and maps shall be posted in a prominent interior location within six feet of the front door.
18. **Neighbor Notification of Administrative Permit Standards.** At the permit holder's expense, the Butte County Department of Development Services shall provide a mailed notice at the time of permit issuance to property owners within 300 feet of the subject parcel, and all property owners located on any road serving the short-term rental. The notice shall include all applicable standards and limitations placed upon the short-term rental, the STR administrative permit number, and the City website that contains the official registry of each approved Short-Term Rental. The official registry will include the property manager's name, textenabled phone number, and email.
19. **Internet Posting and other Listings.** All advertising, marketing, on line hospitality services, or other types of listing for the short-term rental shall include the following information in accordance with the approved Administrative Permit:
1. Maximum occupancy of rental, not including children under 3 years of age;
 2. Maximum number of off-street vehicle parking spaces located on the property;
 3. Notification that quiet hours shall be observed between 10:00 pm and 7:00 am, Monday through Friday, and 10:00 pm and 9:00 am on Saturdays, Sundays, and holidays;
 4. Notification that outdoor amplified sound is only allowed during specified non-quiet hours, and is subject to the Humboldt County Noise Control Ordinance;

5. Notification that commercial activities and special events, including but not limited to weddings, receptions, and parties, are prohibited; and,
6. The issued Trinidad City administrative permit number and the transient occupancy tax certificate number.

20. **Enforcement Process.** This section contains its own enforcement process as set forth below. However, this process does not preclude other means of enforcement. Enforcement of this section may be in accordance with Trinidad City Code Section and the Humboldt County Code Section ???, Enforcement, which may include, but not be limited to, the procedures as established in City of Trinidad Code Section ?? (General Penalty, Continuing Violations), Chapter ?? (Abatement of Public Nuisances) and ?? (Code Enforcement Policies and Procedures), as well as any other procedures available in State or federal law. In no case shall the issuance of a courtesy notice or a warning notice pursuant to Section ??? be required for a code enforcement officer to issue a citation pursuant to this Section.

1. **Two Strikes Revocation Rule.** Two verifiable administrative citations, violations, or hearing officer determinations concerning the permit requirements issued to the owner or occupants at the property within a 12-month period shall result in a notice to cease and desist operations and permit revocation. Revocation is subject to prior notice and to appeal, if requested within ten days. In the event of permit revocation, an application to reestablish a short-term rental after revocation shall not be accepted for a minimum period of 24 months. a. Prior to revocation under this section, at least two of the verified complaints leading to a citation, violation or hearing officer determination shall be filed from separate households.

2. **Complaints.** Complaints shall be sent by text message and/or email. Complaints about potential violations shall be directed to the host/property manager with a copy to the Trinidad City Manager. If the host/property manager corrects a violation upon request within 30 minutes, the violation shall not be counted as a strike under the three strikes revocation rule under this section. The host/property manager shall document the correction to the complainant. with a text or email copy provided to the Trinidad City Manager. If the host/property manager is unavailable or fails to correct a potential violation, the violation shall be counted as a strike. The City of Trinidad shall send notice of the strike to the host/property manager and give the host/property manager the opportunity to respond. The City of Trinidad shall evaluate any response and communicate its determination to the host/property manager. When two strikes have been documented, the City Manager shall schedule a revocation hearing to be heard by the Planning Commission.

3. **Increased Permit Fee Penalty for Non-Compliance.** Any property that is determined to be advertised for use as a short-term rental without first obtaining the necessary administrative permit required under this section shall be issued a citation and

a notice to cease and desist. A permit fee penalty of ten times the regular application fee shall be applied to said property for future short-term rental administrative permit applications.